EPA Recommendations for the Supplemental Draft EIS (SDEIS)

- Problem: The DEIS shows that operating any of the proposed conveyance facilities (i.e., all CM1 alternatives) would violate the Clean Water Act by contributing to increased and persistent violations of water quality standards in the Delta (in particular, electrical conductivity (EC) and chloride) and would not protect beneficial uses for aquatic life.

  Recommendation: The SDEIS should include an alternative that meets all water quality standards (including X2) and would have beneficial effects on covered fish populations during all life stages, while addressing the need for water availability and greater freshwater flow. To develop such an alternative, modified operational scenarios for CM1 should be considered, and any mitigation measures that would prevent the proposed project from increasing the magnitude or frequency of exceedance of water quality objectives should be described and evaluated in the SDEIS.

- Problem: The DEIS proposes to restore approximately 150,000 acres of wetlands, uplands, grasslands, and riparian areas in and around the Delta to offset the adverse impacts of the continued operations of the water projects, but does not indicate whether suitable acreage is available or whether restoration alone would be sufficient to recover fish populations. It is overly optimistic and inconsistent with available scientific information regarding the assumed success rate for habitat restoration.

  Recommendation: The SDEIS should include an alternative that provides the freshwater flow needs of aquatic populations and the ecosystem as a whole in order to minimize the adverse impacts of continued operations of the water projects. It should demonstrate that the proposed mitigation for unavoidable impacts is available and supported by the best available science. Gradients of partial mitigation success for each habitat type should be described, and the impacts of each alternative should be evaluated in light of these gradients and the likely success rates for each habitat restoration type.

- Problem: The DEIS states that it includes a *project-level* analysis of environmental effects associated with CM1, and a *programmatic-level* analysis of 21 other Conservation Measures, including a suite of habitat restoration and aquatic stressors management initiatives. Programmatic-level inputs were used in some of the "project-level" analyses.

  Recommendation: The SDEIS should include project-level information and analyses for the conveyance tunnels to support the federal decision making process, including the information necessary for permit decisions.

- Problem: The DEIS does not address how changes in the Delta can affect resources in downstream waters, such as San Francisco Bay, and require changes in upstream operations, which may result in indirect environmental impacts that must also be evaluated.

  Recommendation: The SDEIS should incorporate upstream and downstream impacts into the analysis of BDCP alternatives.

- Problem: The DEIS does not clearly describe decision rules that are used to make *NEPA Effects Determinations* from the analytical information presented for each impact category.

  Recommendation: The NEPA Effects Determinations and thresholds -- quantitative when possible – should be defined and provided for each category so that it is clear why some estimated impacts result in one NEPA Effects Determination over another.

- Problem: The DEIS explains that the adaptive management program is a work in progress.

  Recommendation: Clear objectives, responsive actions and responsible parties need to be identified for the adaptive management program.